

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

~~United States Courts~~  
Southern District of Texas  
FILED

JUN 5 2015

David J. Bradley, Clerk of Court

United States of America

v.

DENNIS P.M. HUGHES

Case No.

G 15-32 M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 5, 2015 in the county of Brazoria in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 18 USC 2252A(a)(2) and (a)(5)  
(B)

Receipt and possession of child pornography

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.



Complainant's signature

Kelly Berry, Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 06/05/2015

City and state: Houston, Texas



Judge's signature

Nancy Johnson, United States Magistrate Judge

Printed name and title

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Kelly E. Berry, being duly sworn, depose and state:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Special Agent in Charge (SAC), in Houston, Texas. I have been so employed since September 2006. As part of my daily duties as an FBI agent, I am assigned to the FBI Texas City Resident Agency which, among other things, investigates criminal violations relating to child exploitation and child pornography, including violations pertaining to the illegal production, distribution, receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252A and 2252A et seq. I have received training in the area of child pornography and child exploitation. I have had the opportunity to observe and review numerous examples of child pornography in all forms of media including computer media. Child Pornography, as defined in 18 U.S.C. § 2256, is:

“any visual depiction, including any photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where – (A) the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct; . . . [or] (C) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.” For conduct occurring after April 30, 2003, the definition also includes “(B) such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from that of a minor engaging in sexually explicit conduct.”

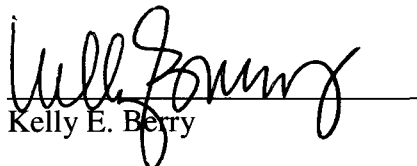
2. This Affidavit is made in support of a criminal complaint charging Dennis P.M. HUGHES with violating 18 U.S.C. § 2252A(a)(2) & (a)(5)(B), which makes it a crime to receive and possess child pornography.
3. I am familiar with the information contained in this Affidavit based upon the investigation I have personally conducted and my conversations with other law enforcement

officers involved in this investigation, or who have engaged in numerous investigations involving child pornography.

4. Because this Affidavit is being submitted for the limited purpose of securing a criminal complaint, I have not included each and every fact known to me concerning this investigation, I have set forth only those facts that I believe are necessary to establish probable cause that evidence of a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B) has been committed by Dennis P.M. HUGHES on or about June 2015. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.
5. Through an investigation conducted by SA Berry, the Texas City Resident Agency executed a search warrant issued by United States Magistrate John R. Froeschner at the residence of Dennis P.M. HUGHES, 3506 Pickering Lane, Pearland, Texas, on June 5, 2015. The search warrant was obtained based on information that led investigators to believe that HUGHES was accessing files from a website known to contain child pornography. HUGHES accessed a file entitled "Man fuck preteen latina girl," which contained several images of a nude prepubescent female and an adult male. In some of the images, the nude prepubescent female is in a bed lying on her stomach and the nude adult male is lying on top of her. In other images, the adult male is clothed and straddling the nude prepubescent female. HUGHES also accessed a file that contained several contact sheets. The image in the contact sheets depicted an adult penis penetrating the mouth of a blindfolded prepubescent female.
6. During the execution of the federal search warrant, SA Richard Rennison and Pearland Police Department Detective Cecil Arnold interviewed HUGHES at his residence. HUGHES was read his statutory warning and signed the form, acknowledging he understood his rights.

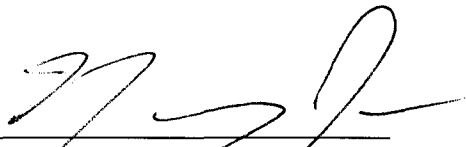
Furthermore, HUGHES understood that he was not under arrest, that he was free to leave if he wished, that he did not have to talk to the interviewing agents, and that the decision of whether to consult with a lawyer was up to him.

7. HUGHES indicated he had downloading and viewing child pornography from the internet. HUGHES stated that he would download child pornography onto an external flash drive and would then erase and clean the drive and start over. HUGHES stated that agents would find approximately 10 gigabytes of child pornography on a single flash drive that HUGHES had downloaded from April 2015 to present.
8. During an on scene preview of HUGHES' computers and hard drives, SA Berry was able to view images of child pornography that HUGHES had in his possession. One thumb drive in HUGHES' possession contained approximately 8,200 files, the majority of which appeared to be child pornography. SA Berry viewed approximately 30 child pornography images on HUGHES' thumb drive. The majority of the images SA Berry viewed depicted prepubescent girls with their genitals lasciviously displayed. HUGHES also possessed images of child pornography depicting prepubescent girls being penetrated both orally and vaginally. SA Berry believes, based on her training and experience, that the images possessed by HUGHES are child pornography as defined in Title 18, United States Code, Section 2256.
9. Based upon the information delineated above, I believe that probable cause exists for the issuance of a Criminal Complaint charging Dennis P.M. Hughes with a violation of 18 U.S.C. § 2252A(a)(2) & (a)(5)(B)—receipt and possession of child pornography.

  
Kelly E. Berry

Special Agent, FBI

Subscribed and sworn before me this 5<sup>th</sup> of June 2015, and I find probable cause.

  
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Nancy K. Johnson  
United States Magistrate Judge